1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

also the goods of his children, either during his life or after his death. Even one of the uncle's wives might be appropriated. At the wedding of a man's child, his sister's children may help themselves to the presents. The brother's children must show respect (*fakaapaapa*) to the sister's children. The institution of *fahu* is a one-sided, non-reciprocal affair. The victims never have a chance to retaliate, but they exercise similar privilege towards their own mother's brother and his offspring. Towards one's *fahu* only respect and acquiescence must be shown. To appropriate the property of the *fahu* would be a serious breach of custom.

One chiefly informant remarked to me that he was lucky in having no closely related *fahu*, as he had no sister. He had, however, female cousins, whose children were *fahu* to him to a certain extent, but not like a real or great *fahu*. One such remote *fahu* visited this chief while I was with him, his father's brother's daughter's daughter. She did not have the privilege of a near *fahu* but must ask his permission before taking his property.

Radcliffe-Brown (48, pp. 543, 553, 550) records for Tonga that

> . . . the sister's son is permitted to take many liberties with his mother's brother, and to take any of his uncle's possessions that he may desire. And there also we find the custom that, when the uncle makes a sacrifice, the sister's son takes away the sacred portion offered to the gods, and may eat it.
>
> . . . The daughter's son must be honoured by his grandfather. He is "a chief" to him. He may take his grandfather's property, and he may take away the offering that his grandfather makes to the gods at a kava ceremony. The mother's father and the mother's brother are the objects of very similar behaviour patterns, of which the outstanding feature is the indulgence on the one side and the liberty permitted on the other.

The daughter's son may intervene in the sacrificial ritual in the same way as the sister's son, the behavior between the mother's father and the daughter's son being much the same as between the mother's brother and the sister's son.

Liberties and jocular remarks may be indulged in with relatives through one's mother's brother, except where the brother-sister tapu interferes. Such liberties and remarks cannot be reciprocated, for the very reason that respect towards the father and his relatives is definitely enjoined, and especially towards the father's sister (*mehekitanga*) and her offspring.

Modern Tongan dictionaries describe the *fahu* as "one that is above the law," and the verb *fakafahufahu* as "to act as an outlaw." In actual practice the *fahu* (or *ilamutu*, to use the term of relationship) often did appropriate the property of his mother's brother (*tuasina*), who as a rule did not protest. At the kava ceremony the *fahu* ate the relish presented to his mother's brother. The grandchildren, also referred to as *fahu*, had the same privilege (15, p. 30).

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

TABLE 6. PERCENTAGE OF HAA NAMES SHARED

	TONGATABU	HAAPAI	VAVAU	NIUAFOOU	NIUATOPUTAPU
Tongatabu		17*	15	3	1
Haapai	38		22	4	3
Vavau	57	36		7	2
Niuafoou	31	23	23		0
Niuatoputapu	40	40	20	0	

* This table is to be read horizontally, thus Tongatabu shares 17 per cent of its names with Haapai.

In an attempt to express the total interrelations of each pair of island groups by a single figure, I present in Table 7 a sort of percentage-index figure which is the average of the two percentages expressing the proportion of shared names between each two island groups. Thus, as shown, in Table 6, Tongatabu shares 17 per cent of its names with Haapai; Haapai shares 38 per cent of its names with Tongatabu. The percentage-index would then be the sum of 17 and 38, divided by 2, or 28.

TABLE 7. PERCENTAGE-INDEX OF HAA NAMES SHARED

	TONGATABU	HAAPAI	VAVAU	NIUAFOOU
Tongatabu				
Haapai	28			
Vavau	36	29		
Niuafoou	17	14	15	
Niuatoputapu	21	23	11	0

Table 7 shows the relationship of shared haa-names to be closest between Tongatabu and Vavau (index 36); then follows Haapai and Vavau and Tongatabu and Haapai. In view of the geographic separation of Tongatabu and Vavau by the intervening Haapai group and in view of the lower index for Tongatabu and adjacent Haapai, it seems apparent that the high index figure for Tongatabu and Vavau is due to historic causes.

TAUVU

The Fijian term *tauvu* has been used by Thomson (56, p. 5) to express the special relationship which exists between two tribes or villages which worship the same god.

Inquiry in Tonga elicited information about *tauvu* in only two places. The people of Tungua Island, Haapai, and Moala and Ketei in the windward islands of Fiji (32) are *tauvu* to each other; that is, they have the same god and so have full right to each other's goods.

Okoa Island, Vavau, which is the hereditary land of the Tui Lakepa, a chief of Fijian ancestry, is called *tauvu* to Ofu Island because smaller and dependent. Perhaps the real reason is that anciently they worshipped the same god.

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

and constitute the Haa Motuapuaka. See pages 38, 39.) The other name of Motuapuaka was Molofaha. He is the chief of the present matapule. When the sovereign has a kava ring with the chiefs, this matapule sits at the right side of the sovereign. If he cannot be present, he sends one of his brother matapules to represent him. It is said that these matapules came from Samoa with the mother of the first Tui Kanokupolu, who was a Samoan woman, the daughter of a chief named Ama.

NGATA AND THE HAA LATU HIFO

The following tale related by Daniel Faupula of Haakio, Vavau, tells of Ngata the first Kanokupolu and two of his "brothers," the three being called the Ulutolu (Three-heads).

The Tui Haa Takalaua Moungatonga had three sons, Vaoloa, Halakitaua, and Ngata. Vaoloa's mother was from Nuku's family. Halakitaua's mother from Niukapu's family. Ngata's mother was a woman called Tohuia, a daughter of a Samoan chief named Ama.

When these boys grew up, the Tui Haa Takalaua sent them to the chief Ata [a probable anachronism] in Hihifo to make kava for him. They treated Vaoloa as the highest chief of the first kava ceremony. For the next one, they made Halakitaua the highest chief and the kava consequently belonged to him. At the third kava ceremony, they made the youngest brother, Ngata, the highest chief. The boy was so young he did not know how to command his kava to be returned to his elder brothers in the same way they had given it to him, so he simply remained silent and of course the kava has been his ever since.

At the end of the kava ceremony the three boys went back to Fonuamotu where the Tui Haa Takalaua stayed. The Tui Haa Takalaua and his matapule saw the three boys at the distance, and the Tui Haa Takalaua said to the matapule, "Gentlemen, you may see those *ulu tolu* who are coming." *Ulu tolu* means three heads, and this was the origin of the phrase Ulu Tolu as applied to the Tui Kanokupolu and the chiefs Nuku and Niukapu. The three boys told the Tui Haa Takalaua how the kava ceremony had gone. The Tui Haa Takalaua was amused, and said, "It is all right. Let him have your kava, for his mother was a stranger [Samoan] to this place."

The boys grew to be men. Tui Haa Takalaua Moungatonga sent Vaoloa to live with his mother's people over whom his son became the chief Nuku; and Halakitaua was sent to his mother's people in Haapai, over whom his son became the chief Niukapu in Haapai. He sent Ngata to Hihifo and made him chief of that district, because he was the son of a stranger (Samoan). Ngata became the first Tui Kanokupolu.

The Ulu Tolu left Fonuamotu. When they got as far as Takoto they were all saying to each other, "Tau mavae a he," which means, "Let us part here." This was the origin of the chiefly name Kaumavae.

The name Haa Latuhifo, which means lineage of descending chiefs, was applied to Vaoloa and Halakitaua because they became lower in rank than Ngata who was made Tui Kanokupolu. This was the origin of the Haa Latuhifo.

When a kava ceremony is held, if Nuku and Niukapu are present, but no higher chief, both preside and one, instead of the usual two, matapule is sufficient. He sits between them.

FIRST FRUITS AND TRIBUTE

All of the land and its products were regarded as the property of the Tui Tonga. In similar fashion, the land within the domain of the Tui Kanokupolu was regarded as his property, but subject, of course, to the demands

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

of the Tui Tonga. Evidently the same relation held between lesser chiefs and the Tui Kanokupolu. The first fruits or the first of any catch of fish or other food had to be presented (*polopolo*) to the chief and to the Tui Tonga before it could be partaken of even by the producer. (My informant, Rose Fatafehi, son's daughter of the Tui Tonga Laufilitonga, had seen the offerings of first fruits to Laufilitonga, both before and after he had become a Christian.) If the Female Tui Tonga lived near the male Tui Tonga, a presentation would be made to her at the same time; but if she lived at a distance, her share would be forwarded to her by the male Tui Tonga. Presentations of food produce were also made to the Tamaha. The informant, Rose Fatafehi, was not certain whether they were made direct to the Tamaha or through the medium of the Tui Tonga. Those commoners who resided close to the Tui Tonga's residence presented the first of their yams, and also yams on other occasions, directly to the Tui Tonga. But the farmers who were remote from the Tui Tonga presented yams to their own chiefs. Thus, people living in the Hihifo district of Tongatabu presented yams to their local chiefs. These chiefs presented a portion of the gift to the Tui Kanokupolu, who presented a portion to the Tui Haa Takalaua, who in turn presented a portion to the Tui Tonga. Yams and other products when first coming into season were carried from as far away as Vavau and presented to the Tui Tonga (26, p. 180). On board the vessel carrying such a cargo was a man who continually blew a conch shell trumpet as the vessel passed inhabited islands. Apparently some individuals were actually appointed to petty offices which involved the supplying of food articles to the Tui Tonga. Thus the man who brought the first yams from Haano Island bore the title Peu. At Manonofeke on Lifuka Island resided an official whose special business was to catch octopuses for the Tui Tonga and to transport them to Tongatabu. On Nomuka Island resides a matapule bearing the title of Tei, who is reported to have become the official *ava* (salmon) catcher about whom the following account was given:

> Originally the fish were in the custody of a couple named Nomu and Iki, who carried them to the Tui Tonga wrapped in lauhala leaves. A man named Tei took to the Tui Tonga some of the fish wrapped in sugar cane leaves. The Tui Tonga liked these fish and the smell of the sugar cane much better. He therefore gave the custody of the *ava* at the Nomuka lagoon to Tei. From that time until the present a Tei has been appointed following the death of each incumbent. Though the present Tei no longer carries the fish to the Tui Tonga nor to the Tui Kanokupolu, the title goes on.

Behind the giving of first fruits to the chiefs and the king seems to lie a religious sanction. It was believed that by thus presenting first fruits, first fishes, and large pigs to the chiefs, success in various undertakings was insured. One informant said that these were virtually offerings to the gods, but were made to them through the Tui Tonga who "was treated like a god."

1: Gifford E-4,5 (1920-1921) 1929 OU9 Tonga OU9

walking stick of a chief and to the staff of a matapule. The skill with which the fly whisk was handled usually elicited remarks from surrounding gossips. To use it swiftly and precisely elicited the comment: "He is an accomplished chief; long has he used the *fue*." If a man were clumsy in handling it, it was asked: "Who is this man who shakes his *fue* like a *tua*?"

Many great chiefs or warriors were tattooed in eccentric manners to distinguish them from common people. Vahai had two lines on each side, the upper ones extending to the breasts. King George I Tupou is said to have had the head of his penis completely covered with tattooing to show his disregard for pain as well as to mark him peculiarly.

A headdress of feathers (*fae* or *faefae*) was worn by chiefs during times of festival or ceremony or at the outset of a war expedition.

A chiefly person or a high matapule (and the members of his household) washed his hands in a special bowl (*kumete fanofano*). That of the Tui Tonga (called *fakafanonga*—rendered by Baker [2] as *fafanonga*) was used by him only. A commoner usually washed his hands by rubbing them with the pith of the stock of the *fusi* banana.

Each chief of consequence had as part of his establishment a public house, *falehau*, for the entertainment of distinguished visitors (42). Tasman (30) pictures such a house as open on all sides. There were also houses for the sons and daughters of chiefs and their associates (42).

The chiefs owned all the land and could take what they pleased from their tenants and even kill them. On Lifuka, commoners inland could not fish on the lee side of the island. A commoner catching a large fish must give it to the chief. If he ate it he might be brought before the chief and condemned to death. To a commoner who refused to obey his order, the chief might say, "You are going to be dead," and it was not unknown for such a one, as he started away, to drop dead.

The arbitrary power and cruelty of some of the chiefs is manifest from the early accounts. The Tui Kanokupolu Tukuaho cut off one arm from each of his cooks and Ulukalala (Mariner's patron) tortured and drowned political enemies. The cruelty of Teukava, a contemporary of Tukuaho and Ulukalala, was of a different type. On one occasion he gave a feast in which the entertainers were naked girls. At another festival (*katoanga*), he arranged in a circle a group of men suffering with elephantiasis of the testicles and went about with a hook pulling their privates out into view. Apparently the victims were entirely at his mercy, opposition probably meaning death.

On Fotuhaa Island, Haapai, is a cliff from which commoners jumped into the foaming surf to get bananas (*hopa*) thrown into the sea by the chiefs. The cliff is named Haamoa because of a Samoan who was killed while thus entertaining the chiefs.

1: Gifford E-4,5 (1920-1921) 1929 0U9 Tonga 0U9

LAND OWNERSHIP

Regarding the ancient systems of land tenure in Tonga, Alexander (1) writes;

On passing from the three other western groups [New Zealand, Samoa, Fiji] to Tonga, we find a remarkable and striking change in political institutions, in land tenure, and in social customs. In a word, we are politically, though not geographically, in eastern Polynesia. We find no organized village communities or clans, holding lands in common, but a fully developed feudal system, and a strong centralized government. The patriarchal head of the clan has become a landlord, and the clansmen, bound to their chief by the tie of blood relationship, have become his tenants and subjects. From Rev. L. Fison we learn that the nation was divided into four main tribes, two of which were further subdivided into subtribes.

From the Rev. Thos. West we learn that "the lands were held in fief." The great landlords held them by hereditary right, but subject to the king, and they in turn subdivided them among their kinsmen and followers. It was on the great chiefs that the king depended for military support, which they willingly rendered him, as the title by which they retained their possessions. Through them also the king received a general tribute from the people. The chiefs, also in the order, claimed the service or property of their tenants. The lowest order was ground down and oppressed by that above it. The "Tuas" could not call anything they had their own. The great chiefs could seize on whatever took their fancy. Besides, the king or his representatives could assess labor upon the whole community whenever he pleased. The chiefs also claimed a share of all the fish taken by their tenants. The most servile homage was rendered to them as in the Society and Hawaiian islands. On a father's death his property descended to his children. On the mother's death her property remained with her husband and children, not excepting her *dower* land, which did not revert to her own kindred as in the other western groups, where Tribal tenure prevailed.

Cook (19, vol. 1, p. 412) says:

The orders, or classes, amongst their Chiefs, or those who call themselves such, seemed to be almost as numerous as amongst us; but there are few, in comparison, that are lords of large districts of territory; the rest holding their lands under those principal barons, as they may be called. I was, indeed, told, that when a man of property dies, everything he leaves behind him falls to the king; but that it is usual to give it to the eldest son of the deceased, with an obligation to make a provision, out of it, for the rest of the children. It is not the custom here, as at Otaheite, for the son, the moment he is born, to take from the father the homage and title; but he succeeds to them, at his decease; so that their form of government is not only monarchical, but hereditary.

MODERN LANDED NOBLES

Thomson (54, pp. 230, 231) has the following to say concerning land tenure:

Chief among the purely Tongan enactments of the new code were the land laws. In former times the soil of Tonga was vested in the Tui Tonga—the spiritual chief. The great nobles and small cultivators held their lands from him, and he had theoretically the right to dispossess them at will. When the office of Tui Tonga became vacant, and the title was absorbed by the present king, the people readily adopted the idea that all the land was vested in the Crown, who had the power to grant holdings in return for taxes. But in 1888, Mr. Baker, acting either under pressure from the chiefs, or spontaneously wishing

3: Mariner F-5 (1806-1810) 1818
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Hereditary.	*Toofwonga fo váca*; canoe-builders.	Followed both by *matabooles* and *mooas*.	555
	Toofoonga fono le; cutters of whale-teeth ornaments.		461
	Toofwonga taboo; superintendants of funeral rites.		565
	Toofoonga ta maca; stone-masons, or makers of stone vaults.	Followed both by *mooas* and *tooas*.	396
	Toofoonga jia cobenga; net-makers.		306
	Toofoonga toty ica; fishermen.		767
	Toofoonga langafalle; large house-builders.		324
			286
			226
			331
Hereditary or not.	*Toofwonga ta tattow*; those who perform the tattow.		305
	Toofoonga tongi acow; club-carvers.		322
	Toofoonga fy cava; barbers or shavers with shells.	Followed only by *tooas*.	306
Hereditary.	*Tangata fe oomoo*; cooks.		252
	Kyfonnooa; peasants.		241

Property in these islands, as may easily be conjectured, consists principally in plantations, houses, and canoes, and the right of succession to it is regulated by the order of relationship, as given under the head of Nobles, p. 83, so in like manner is the right of succession to the throne. 421 428

Having now given a view of the rank of individuals in society, with reference to religion, civil government, and professional occupations; we have now to consider it in respect to old age, sex, and childhood. 128

Old persons of both sexes are highly reve- 888

3: Mariner F-5 (1806-1810) 1818
OU9 Tonga OU9

If a young girl is betrothed, or set apart to be the wife or concubine of a noble higher in rank than herself, she derives more respect on that account, independent of what is due to her own proper rank.

The women employ themselves (particularly nobles) in making a variety of articles, chiefly ornamental; these employments, however, are considered accomplishments, not professions: some of the higher class of women not only make these employments an amusement, but actually make a sort of trade of it, without prejudice to their rank; which is what the lower class of women could not do, because what *they* make is not their own property, but is done by the order of their superiors; the highest accomplishments cannot add to a woman's rank, though it does somewhat to the estimation in which she may be held, for such things, when well done, are honourable in a woman of rank. These things will be farther spoken of hereafter.

Children acquire their rank by inheritance, as before observed, from the mother's side: if she be not a noble they are not, and *vice versa*. If a man, however high his rank, were to have a child by a woman who is only a tooa, no matter whether they are married or not, (but indeed there is no instance of a noble marrying a tooa,) that child would not be a noble, though it were

8: Collocott & Havea M,I-5 (no date) 1922
OU9 Tonga OU9

DISTINGUISHED PERSONS

359. Halaia Moli tuku kia Loli: Moli guilty—attribute it to Loli. 539 571

We have no information about Moli and Loli, but the phrase means that the blame of one man's wrong-doing is thrown onto another.

360. Hola pe te ke hao ki he fale o Vave: Flee that you may be safe to the house of Vave. 539 571

Vave was a great warrior who lived in Haavakaotua, a district near Nukualofa. So great was his might and so secure were those whom he protected that to flee to him for safety passed into a proverb. 701

361. Tekei a Lei hono fuu mei: Pushing Lei from his bread-fruit tree. 539 571

We have not been able to get any story relative to Lei or his bread-fruit tree, but the expression means to deprive anyone of what rightfully belongs to him. 421

362. Vikia vikia a Apolosi, Pea kuo te viku pongipongi: Apollos is praised, praised, and I am wet in the morning. 539 793

This is modern, since the introduction of Christianity. Apollos was a Tongan native clergyman held in high repute. On one occasion he was sailing in a boat with a silly man named Pane whom during the course of the voyage he pushed into the sea. Pane sank, and as he came up vented his disgust at the cleric's treatment in the above rather cryptic utterance. The force of "in the morning" seems to be either that the outrage was perpetrated early in the day, or early in the voyage, or perhaps that this was Pane's first acquaintance with the reverend gentleman, and so "right away," "first go off." "Here's a nice sort of chap for you; everybody praises him, but all I've ever got out of him is a jolly good ducking."

LEGENDARY DEITIES

363. Alu hifo ki takele o Maui: Go down to Maui's foundation, that is, to the depths of the earth. 539 776

In the distribution to the gods of residences the Underworld was assigned to Maui. 773

364. Jika a Maui: Darting of Maui. 539

Used of a long throw in the game of *jika*. Baker renders the phrase, "columns of smoke," which seems to liken a column of smoke rising straight and high into the air to the great cast which Maui might be expected to make in the form of *jika* in which the object was to throw as high as possible; but since the Maui lived in the Underworld it may be that the column of smoke is likened to a cast of these redoubtable deities from their subterranean home into the upper air. 776 773 524

8: Collocott & Havea M, I-5 (no date) 1922
OU9 Tonga OU9

539 776 825 571 of the creatures of which the gods "made boats," as Tongan idiom has it, that is, in which they appeared. The proverb is applied to one who makes use of some other person or thing in order to effect his purpose.

382. To fuji aki vahaa ufi:

539 782 244 Baker renders this phrase, "A part of the heathen ceremony at the *Inaji*" (An English and Tongan and Tongan and English Vocabulary, p. 209). We have been able to find out nothing about this. Written as above it seems to have the perfectly simple sense of planting plantains between yams. It has been suggested that the correct meaning may be: to use the space between the yams as a measure to calculate the distance apart to plant the plantains. This also is quite in accordance with the literal meaning of the words. We may divide differently, and write, *To fuji aki vahaa ufi*, which would seem to mean, "running in between yams." We have not discovered either what part of the *Inaji* was so named, nor what proverbial application the phrase had.

THE PERSON

CLOTHING AND ADORNMENT

539 302 157 554 565 **383. Fie namu pako:** - Wishing to smell of *pako*.

The *pako* is a sweet smelling plant used for scenting oil, especially the oil of chiefs. The expression is capable of two kinds of application: desiring to do well that one's life and actions may have a fragrant odor, and the less generous meaning of conceit, trying to be like the chiefs.

539 735 291 **384. Fuji mo omo:** Pulling and slipping.

Used as noun or adjective equivalent to poverty, poor. Said to indicate literally one who is so poor that he cannot afford enough cloth for a proper sized *vala* (kilt), but has to put up with something so small that when he pulls it one way to cover a part of his body another part is left bare. Whether this be so or not it has come to mean those who have difficulty in "making ends meet."

539 291 301 **385. Laukau falelava:** Finery of various sorts.

Laukau, personal adornment, is used with the rather depreciatory nuance with which in English we speak of overdone, or over-vivid finery. *Laukau falelava* is not unlike such a colloquialism as, "Having 'em all on."

539 421 513 **386. Mafana a penu kehe:** Warmth of another's bed-clothes.

One man may have made himself very snug in another's covering, but can have no real ground of complaint when the rightful owner comes along and takes what belongs to him, leaving the snug man cold. So generally one may enjoy the advantage of using another man's property but he has no kick coming when the owner takes it to use for himself.

12: Vason M-3 (1797-1801) 1810
OU9 Tonga OU9

the Kava to Duatonga, or any of his family, all of whom are considered sacred, they must sit down cross-legged, before they deliver it out of their hands.

During the preparation of the Kava, the Tomaagee, or principal servants of the chief, are busily employed in an out house built for the purpose, in baking yams. These, as soon as ready, they bring in baskets, made of entwined leaves, and lay them before the chief and the circle of guests as far as they go. They eat these yams after drinking the Kava; and during their meal talk with each other, as they please, on different subjects.

Whenever the lower orders can procure the Kava, they always drink it in companies in this festive manner; in which they often spend the two or three first hours of the morning. They have this pleasure, however, but seldom, as the chiefs generally exact it of them, to drink it with their brother chiefs and their attendants. They exercise an arbitrary power over the lower orders, and have every thing belonging to them in their power, which their sub-officers take from them, without ceremony, as the chief may need. Though the provision they have by them be ever so scanty, they are required to cook a part of it for the chief; so that they are frequently obliged to eat the root of the plantain-tree, for a wretched subsistance, or to resort to the chief, and beg some food. The chief will send his attendants

14: Thomson G-3 (1886-1891) 1894
OU9 Tonga OU9

XIV.

AMATEUR LAW-GIVING.

671 797 645 THE dismissed Premier was not only a spiritual and temporal dignitary, he was also the lawgiver of Tonga; yet it was only in the most limited sense that he united the qualities of Moses and Melchisedec.

It has been the fate of Tonga to furnish the vile body on which the legislative experiments of amateurs have been tried. The first written code of law in Tongan history was promulgated in Vavau in 1839, and, crude though it was, it may be doubted whether it was not far better suited to the people than the elaborate but often incoherent effusions of the missionary lawyers of later days. It was King George's own composition, and it was intended for his own people only, to be administered by judges of his own race. There was a long preamble filled with Biblical quotations, after which follow a few plain straightforward clauses such as the following:—

It is my mind: That the land should be brought into cultivation and be planted. Hence, I inform you it is unlawful for you to turn your hogs outside the sty. If a hog be found

671 421 231

14: Thomson G-3 (1886-1891) 1894
OU9 Tonga OU9

eating the yams, or destroying the produce of the land, the owner of the hog shall be at once informed that he may shut the hog up, and he shall restore whatsoever be damaged. If the owner neglect to take warning, either in confining his hog, or in recompensing the damage done, and the hog be again found eating the yams, it shall then be lawful to kill the hog, and the owner of the plantation shall have the carcase for his own.

A giant yam.

By the end of 1855 the original code had been so tinkered by the missionaries that little of the original remained. Their hand is detected in the following excellent provision, designed to check the growing indolence of the people, and turn their labour into a channel of profit to the reverend legislators:—

XXXVI. *The law relating to men.*—You shall work and persevere in labouring for the support of your family as well as yourself, and in order to contribute to the cause of God and the chief of the land, and each man shall find a piece of land to cultivate. Any man who is not willing to work, shall not be fed nor assisted, all such persons being useless to the land and its inhabitants, and unprofitable to their friends.

14: Thomson G-3 (1886-1891) 1894
OU9 Tonga OU9

642 —English of which a schoolboy would be ashamed. I was spared this necessity by an inspiration. Had not Mr Baker himself declared that the Constitution was passed by a Tongan Legislature? It must therefore have been enacted in the native language, and the Tongan version was the original. I had only to translate it back into English, and my code would be cleansed of the phraseology that constitutes Mr Baker's principal claim to distinction.

421 643 423 Chief among the purely Tongan enactments of the new code were the land laws. In former times the soil of Tonga was vested in the Tui Tonga—the spiritual chief. The great nobles and small cultivators held their lands from him, and he had theoretically the right to dispossess them at will. When the office of Tui Tonga became vacant, and the title was absorbed by the present king, the people readily adopted the idea that all the land was vested in the Crown who had the power to grant holdings [565] in return for taxes. But in 1888, Mr Baker, acting either under pressure from the chiefs, or spontaneously wishing to create a landed aristocracy, foolishly caused the king to grant large estates, which he called "inheritances," to a number of hereditary lords, who were to receive from the tenants a rental of $1 per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were

14: Thomson G-3 (1886-1891) 1894
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paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance." 421 423 643

The chief obstacle that would confront every Government in Tonga would always be the difficulty in collecting the poll-tax. The people required some stronger incentive to pay than the fear of levy by distress. To meet this difficulty I adopted an idea, suggested to me by Mr Hanslip, that the tenure of land should be made dependent upon the regular payment of taxes. I converted the poll-tax into a land-tax, and gave to every taxpayer the right of occupying one allotment of a fixed area, inalienable in his family so long as he and his heirs continued to discharge their debts to the State, but liable to forfeiture if for three successive years they were guilty of neglect. As each man arrived at manhood he was entitled to claim an allotment; and when the father of grown-up sons died his widow kept his allotment for her lifetime. At her death each of the sons might choose whether they would relinquish their own holdings in favour of their father's or not; but in no case could a man occupy more than one holding. Thus we combined the "Nationalisation of land" with the institution of lords of the manor. By changing the name of the tax I disposed of the necessity for claiming it from Europeans, since, being possessed of no land of their own, they could not reasonably be called upon to pay a "land-tax." The poll-tax had for many years been the chief grievance of the traders, for Europeans will pay an amount of indirect taxation which, if imposed in direct form, would cause a rebellion. 423 651 423 428 651 [885] 423 651 563

14: Thomson G-3 (1886-1891) 1894
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646 759 dumb-show the peculiar symptoms of stomach-ache from generous living.

646 421 423 The debate upon the land question, scarcely less important than the Customs, opened inauspiciously. Manase, the orator, made a set speech upon the history of the land laws of the country, incidentally alluding to the magnanimity of the king. The House seems to be moved—perhaps by his eloquence. There is a long and ominous silence. Then Niukabu, a noble of Vavau with a grey moustache, rises to order. He has with difficulty contained himself, he says, during the last indecent speech. What does Manase think? Have the lords of Hahavea no feelings? Do they like to be reminded of the past? The three lords of Hahavea glare responsive at the ceiling. I ask Kubu my neighbour what Manase has said to hurt their feelings. He whispers that when the king conquered them in the last war of 1853, contrary to Tongan custom, he restored their lands to them, and to speak of the king's magnanimity recalls unpleasant memories. I mentally resolve not to make even the most distant allusion to Tongan history. In spite, however, of the temporary gloom thrown over us by this incident, our pet land scheme was passed with but slight alteration. In future a taxpayer who refused to pay his taxes was to lose his land.

646 576 I was absent from the second reading of the Minor Offences Bill. When I came in the Premier, who is not often moved to express himself strongly, was rating the House in unmeasured terms. He had not believed, he said, that the Legislative Council of Tonga could so far forget its dignity as to indulge in such a disgraceful scene. What would be said of Tonga if such a thing were known

18: Collocott M-5 (no date) 1923 OU9 Tonga OU9

called *fokonofo*. The Tongan creation myth relates that when the gods were first a-courting, and the world was in course of coming into being, one of the goddesses secured as *fokonofo* for her husband two of her sister divinities, and tradition ascribes to the ancient king Tui-ta-tui, wives so successfully zealous in adding to his harem, that even Solomon's household does not appear by comparison the outstanding achievement that the unenterprising European might regard it. 622 595 773

The chiefs were said to have a pre-emptive right to all the women in their tribes. In theory the chiefs had the absolute disposal of the persons and property of their people. Stories are related of the king Tukuaho—not the diarist—which show the harsh caprice with which a great lord might treat his people, as, for example, when he ordered the hands of his cooks to be cut off because they had prepared his food badly; but the murder of this tyrant after less than three years of his sullen rule shows that, in Tonga as elsewhere, natural human reactions impose practical checks on theoretical absolutism. 622 837 421 643 687

Evidently the chiefs freely used their privileges in love, but there is no reason to suppose that the lower orders of society were thereby deprived of mates. Intrigue with the wife of a superior, however, was a very grave breach, and might even lead to the man being killed by his own people, without waiting for the vengeance of the chief. On the other hand there is a story of a king who left his wife and babe in charge of another man whilst he went on a voyage, but found on his return that the pair had abused his trust. He forgave them both, and gave the lady as wife to his unfaithful friend. 622 837 684 837

Cousin marriages are rare. Brothers and sisters are called by the same term as first cousins, and more distant collateral relatives. All these "brothers" and "sisters," near and remote, are alike *tabu* to each other. There are restrictions, on the whole well observed, but weakening in these latter days, on the most ordinary intercourse between youths and girls so related. More liberty in the matter of cousin marriages is accorded the great chiefly families than to commoners, and a cousin marriage (probably when it does happen a mating of rather distant cousins) amongst the lower orders of society is spoken of as an imitation of the chiefs. In the days when the Tui Tonga chieftainship flourished there was a well established custom for him to take as his principal wife, and the mother of his successor, the daughter of the Tui Haatakalaua, the chief next in rank to the Tui Tonga. At a later period, when the Tui Haatakalaua chieftainship had declined before the growing importance of the Tui Kanokupolu, the daughter of the latter lord used regularly to become the principal wife of the Tui Tonga. This resulted in the cross-cousin marriage of the Tui Tonga to his mother's brother's daughter. 582 601 602 605 593 565 643 581 582

21: Simkin U-5 (no date) 1945 OU9 Tonga OU9

132 temperatures 5° to 10° lower, and rainfalls 25 per cent to 50 per cent smaller. Except in the Niuas, hurricanes are rare.

Earlier Social Conditions

175 Accounts of the social condition of Tonga as they found it have been given by various European explorers, and particularly by Cook. He describes a rather idyllic land, fertile, well-cultivated and well-roaded, inhabited by an intelligent and friendly people, skilled in husbandry, boatbuilding, and in the manufacture of tapa cloth. The 175 social organisation of the country was a simplified feudalism mixed 421 with elements of an earlier patriarchalism. A central government 631 exercised authority over the chiefs, who held land from the Tui Tonga 642 on feudal terms. In turn they allotted holdings to their people, exacting from them fealty, labour, produce, and war service when required. These allotments were not grouped around villages, but were more or less uniformly distributed over the chiefs' plantations as fenced farms. There were no limits to the demands a chief might make, but respect for public opinion, and the complex blood relations between him and 175 his people prevented any serious and systematic exploitation. Cook, at least, was impressed by the peaceful, prosperous and happy condition of the Tongan people.

669 But this state of affairs was not to last. Tongan chiefs became 178 involved as mercenaries in the Fijian wars, and fired by their neighbours' example, they plunged their country into half a century of civil strife. [165] Chiefs warred for independence or mastery. Prosperity dissolved with peace, and a quarter of the people died through violence or famine. In the general social chaos old institutions collapsed and new ones arose. The old plantation economy gave way to villages as the people were driven by the need for protection to group themselves around fortifications. Christian missions became established and the old Tongan 669 178 religion crumpled before their wholesome conversions. At first they 797 were a new factor of division in the heated contentions of the chiefs, but in the end they helped to close the long agony of civil war, and to build modern Tonga.

669 The outstanding personality in the last stages of the civil wars was 643 Taufahau, honoured by his people as the greatest Tongan. He pacified 178 Ha'apai and Vavau in the late thirties, revived their agriculture and secured their conversion to Christianity. Appealed to for protection by the Christians of Tonga Tapu, he invaded it. This led to the pacifica-

31 : Nayacakalou E-4,5 (1957-1958) 1959
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I should now like to add an expression of my deepest gratitude to all who have assisted in the work of which these papers are the result. The project was financed by a grant from the Carnegie Social Science Research Committee of the University of New Zealand, without whose assistance the study could not have been made at all. Professor W. R. Geddes made valuable suggestions in regard to the initial definition of the problem, and as he went away on leave before I left Auckland, the task of direction fell on the shoulders of Professor R. Piddington. In the field I was assisted in a great many ways by people who cannot all be mentioned, but in particular I would wish to add the following to those already mentioned: the Hon. Tu'i Pelehake, Minister of Lands in Tonga, and the members of the Lands Department there; the Chairman of the Copra Board in Tonga; the Hon. G. R. Powles, High Commissioner for Western Samoa, for permission to do research in Western Samoa and for putting me in most effective touch with the officers in his Lands Department; Mr. Ian Stirling (Chief Surveyor) and other members of the Lands Department in Western Samoa; and Mr. Pulotu McCarthy—a wise old man whose family I had met in New Zealand and who provided me with quarters in Apia. In Fiji, my friend Mr. G. J. T. Hansen, Secretary to the Native Lands Trust Board, brought me up-to-date on the latest developments in native land policy there.

1—Historical Background of Tongan Land Tenure

The main features of the land tenure system operating in Tonga today are well documented. In a moment I shall be summarising them before proceeding to a consideration of how the legal plan is actually applied to realities on the ground, and of the ways in which the system is related to the organisation of social affairs in village life. But at this point it would be well to point out that as it is set out in the various legislative enactments of the Government of Tonga,[2] the system is, in one major respect, well out of the ordinary run of land tenure systems in Oceanic societies: this is its individualistic character.[3] Although this is decidedly unusual within the context of land tenure in Western Polynesia, it is not so extraordinary if considered in relation to the traditional form of Tongan society.

[2] The most important are the Land Act 1927 (Chapters XXVII of *The Law of Tonga*); the Land Act (Amendment) Act 1934; and the Leases (Renewal) Act (No. 15 of 1934).

[3] The distinction between "individualistic" and "communalistic" forms of tenure is not always easy to draw, but in this context I shall mean by "individualistic" that in principle one and only one individual is regarded and accepted as having sole rights to a piece of land. Rights may vary in type from absolute ownership of the soil to merely usufructuary rights; but the distinction is irrelevant, for the definition applies *given* these rights. Such an individual may, if he wishes, confer some of the benefits of these rights upon others, but this does not give them a right other than that which he has himself agreed to give. Such a system differs fundamentally from a "communalistic" one in which the rights involved are conferred upon a group of individuals *at the same time*, so that each of them has a right *equal* to that of each of the other members of the group. All powers of administration repose in the whole group, and although certain members only may appear to exercise them, they are clearly recognised to be acting for and on behalf of all members. Under such powers they can regulate priorities as to actual use of the land.

31: Nayacakalou E-4,5 (1957-1958) 1959
OU9 Tonga OU9

In terms of the traditional social and political organisation, all land in Tonga belonged to the sacred Tui Tonga. After the familiar feudal fashion (for traditional Tongan society was a "fully developed feudal system"[4]), there were chiefs who were "lords of large districts of territory"[5] and who held their lands from the king in return for taxes and military service. These "principal barons, as they may be called"[6] sublet their holdings to their lesser kinsmen and followers, and everyone held land from his superior in a pattern similar to that between the king himself and his barons. Gifford quotes W. D. Alexander in this connection as follows:[7]

> From the Rev. Thos. West we learn that "the lands were held in fief." The great landlords held them by hereditary right, but subject to the king, and they in turn subdivided them among their kinsmen and followers. It was on the great chiefs that the king depended for military support, which they willingly rendered him, as the title by which they retained their possessions. Through them also the king received a general tribute from the people. The chiefs, also in the order, claimed the service or property of their tenants. The lowest order was ground down and oppressed by that above it. The "Tuas" could not call anything their own. The great chiefs could seize on whatever took their fancy. Besides, the king or his representatives could assess labor upon the whole community whenever he pleased. The chiefs also claimed a share of all the fish taken by their tenants. The most servile homage was rendered to them as in the Society and Hawaiian Islands. On a father's death his property descended to his children. On the mother's death her property remained with her husband and children, not excepting her *dower* land, which did not revert to her own kindred as in the other western groups, where tribal tenure prevailed.

This passage needs some elaboration to be entirely clear, for it is closely associated with the lineage organisation of Tonga. The Tongan lineage, known as the *ha'a*, was based upon patrilineal descent, but depended upon the existence of a powerful chief (i.e., an eldest son in a line of eldest sons) at its head to preserve it. With the political vicissitudes of these chiefs, however, their lineages waxed and waned, and at times the weak ones were absorbed by the stronger ones so that *structurally* drastic realignments would occur. The Tongan *ha'a* was therefore not a pure lineage in the classical sense, but a political association of people around a lineage core under a powerful chief. This clarifies Alexander's reference to "kinsmen and followers", for a lineage contained both; and to "the great landlords", who were the heads of these lineages.

What was the role of such a lineage organisation in land tenure? Referring to the present, Gifford says that "the lands of each lineage in Tongatabu tend to form a compact area"[8] and refers to a map which

[4] Alexander 1888, quoted in Gifford 1929:171.
[5] Cook 1784a:412, quoted in Gifford 1929:171.
[6] loc. cit.
[7] Alexander 1888, quoted in Gifford 1929:171.
[8] Gifford 1929:33.

[TEXT CONTINUED ON PAGE 97]

31: Nayacakalou E-4,5 (1957-1958) 1959
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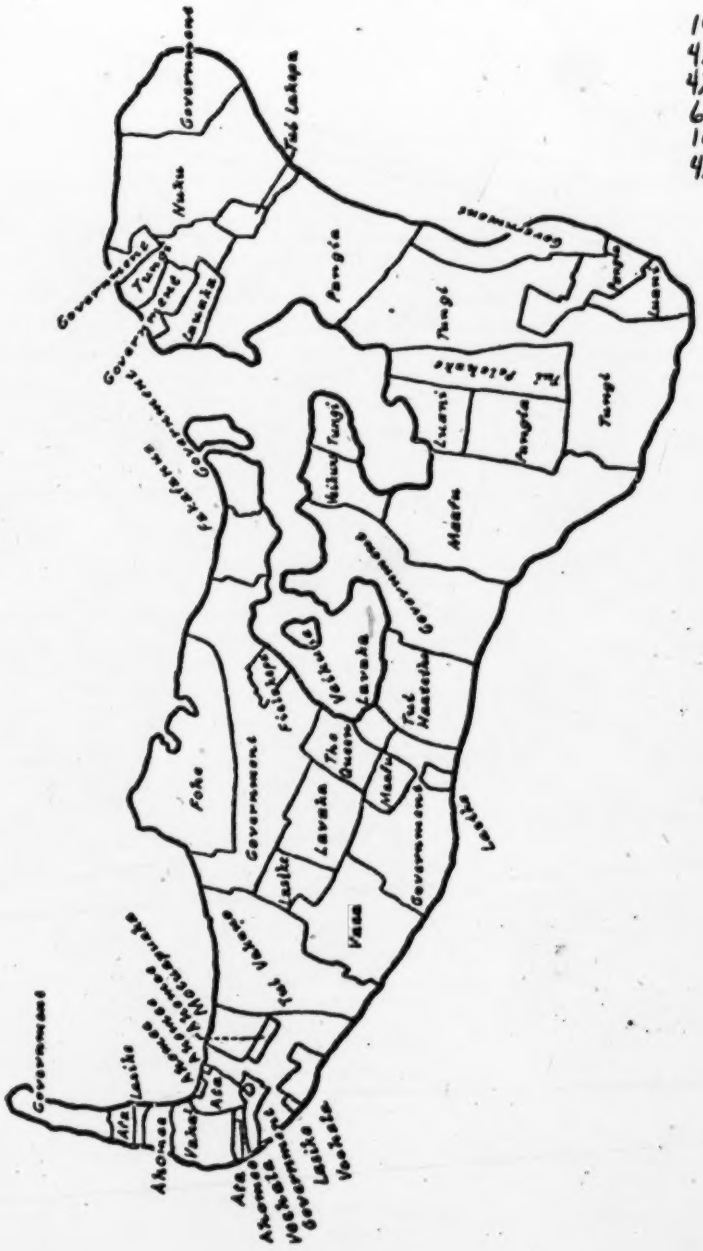

Fig. I
(after Gifford 1929)

31: Nayacakalou E-4,5 (1957-1958) 1959
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illustrates this. But the map concerned is a map of *tofia* or the estates of the modern landed nobles (see fig. 1), so that one is led to the impression that the noble who holds such a *tofia* and the people who rent land from it belong to the same *ha'a*. Thus there appears to have been a broad relationship between the lineage organisation and the holding of land. But there was certainly nothing in it which took precedence over the relationship between the king and his "barons", for the land was clearly held by them from him at his will, not by the lineages themselves. The tenants within the lineages, for their turn, held their lands from their landlords as feudal subjects bound directly to them, not as members of social groups.

This leads us to postulate that the landlords granted land to their subjects as individual tenants, and that therefore there was no form of communal ownership in the current acceptation of the term.[9] If this is accepted, then it would appear a mistake to imagine that in Tongan land tenure a bold line towards economic individualism has been taken in respect of land policy in the Pacific, for holdings were always in terms of individuals. But while there was individual holding, there was certainly no individual ownership in the sense in which it is generally understood today, for absolute ownership was the prerogative of the king, all others having only the usufruct of the lands assigned to them.

Viewed in this way, the traditional land tenure system of Tonga is fairly well preserved in the codified land law of today. While the modern land law has contributed sharper definitions of the major concepts involved in the system, it introduced few changes, and most of these are not really at variance in any fundamental sense with the system as it traditionally operated. Indeed the source of the most significant changes is well summarised in a passage by Basil Thompson:[10]

> Chief among the purely Tongan enactments of the new code were the land laws. In former times the soil of Tonga was vested in the Tui Tonga—the spiritual chief. The great nobles and small cultivators held their lands from him, and he had theoretically the right to dispossess them at will. When the office of Tui Tonga became vacant, and the title was absorbed by the present king, the people readily adopted the idea that all the land was vested in the Crown, who had the power to grant holdings in return for taxes. But in 1888, Mr. Baker, wishing to create a landed aristocracy, foolishly caused the king to grant large estates, which he called "inheritances" to a number of hereditary lords, who were to receive from the tenants a rental of $1

[9] This may appear an extravagant claim, particularly in view of the statement that "on a father's death his property descended to his children", which may be interpreted to imply group holding. Strictly speaking I am unable to refute such an interpretation from the literature; the quotation makes no reference to what happens in the next generation; and Alexander's article itself is not at present obtainable in the main London libraries. But I would suggest that the whole tone of the passage suggests individual holding, referring as it does to subdivision and to tenants. Also, the fact that the statement refers to "a father" implies that he held his rights as an individual rather than a member of a wider social group.

[10] Thompson 1894:230-231, quoted by Gifford 1929:171-172.

31: Nayacakalou E-4,5 (1957-1958) 1959
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per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance".

Thus the changes affected, while they resulted in a reshuffle at the top of the structure, left the individual family man in much the same position as before. This last point is put most succinctly by the Beagleholes in a passage in their book:[11]

> The villager therefore no more owns his land today than he did in aboriginal times. A former produce "rent" or tribute is now paid in tax money. Present day security of occupancy is probably for many Tongan commoners greater than formerly when the will or caprice of a high official was the only fiat that counted. But in general, the villager has the same type of economy-status claim to his land and its produce as he had under the old system of Tongan land ownership and feudal control.

2—The Present Statutary Framework

Today all the land in Tonga belongs to the Tongan Crown; but the traditional "inheritances" referred to by Thompson, which correspond to the holdings of the "barons" of former times, are now classified into Royal Estates, the estates held by members of the Tongan Royal Family as their traditional holdings; Noble Estates, the estates held by members of the nobility as their forefathers had done under the king in former times; and Government Estates, the remaining estates which are now under the direct control of the Government of Tonga.[12] The first two categories are often referred to as hereditary estates to distinguish them from Government estates and are now heritable at law as they were by custom. Each such estate is known as a *tofia* and may run into a thousand or more acres; each member of the Royalty as well as of the nobility may hold several of them in different parts of the kingdom (see fig. 1 for distribution of *tofia* on Tongatapu). From them, allotments are granted to individual Tongans.

On reaching the age of sixteen years, every male Tongan is entitled to receive a grant of 8¼ acres[13] of bush land as a tax allotment and a

[11] Beaglehole 1941:19-20.

[12] I am uncertain as to how these estates came to be in the hands of the Government. See passage from Thompson 1894:230-231, already quoted.

[13] One often wonders why the awkward figure of 8¼ acres. Traditionally the allotments made to individual Tongans measured 100 fathoms x 100 fathoms = 40,000 square yards. 8¼ acres = 39,930 sq. yds.; hence it is simply the traditional measure taken to the nearest ¼ of an acre.

31: Nayacakalou E-4,5 (1957-1958) 1959
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9—Some Concluding Observations on Land Tenure in Tonga

There is no question that in legal conception the Tongan land tenure system is fundamentally individualistic in character. Land titles, which we saw refer to usufruct only, are granted in the name of individuals, not of social groups; and insofar as it is consistent with the provisions of the law, such individuals can and do enjoy their rights absolutely as individuals. They are at liberty to confer the benefits of those rights upon whom they please, provided it is not for profit and not upon an alien; and there is room for individuals to move from one *api* to another, again provided that certain conditions are satisfied.

But the law makes certain highly significant restrictions upon this individualism. For instance, one is denied the right of disposal of one's property—a feature normally associated with individual title. This provision hinders the development of an open market in land, and therefore denies the system the benefits of such a market. One such benefit is the ability of labour and/or capital to move freely between different pieces of land; this possibility is limited here. Such freedom of movement, moreover, is itself limited by the provision that one's *api tukuhau* and *api kolo* must be in the same locality. By and large this means that people can obtain land most easily only in the village of their fathers or, at any rate, in the *tofia* area of their own traditional chief (moving to a new area entails breaking new ground socially, economically and, in a sense, legally as well). Therefore, insofar as they follow the path of least resistance, they tend to be confined within such a *tofia* area; and insofar as this applies, the limiting proviso could potentially lead to unnecessary congestion in conditions of rapid population increase, and could also be a serious setback in a developing economy, for freedom of movement is an important condition for an economically efficient distribution of land.

From the economic point of view, therefore, such restrictions are bad. But such a stricture implies certain assumptions about economic organization which probably do not apply to Tonga. Indeed it could be argued that at the present stage of economic development in Tonga, the land tenure system has certain social advantages which probably more than outweigh the economic weaknesses. Thus it seems clear that apart from a strict and precise definition of the major concepts which govern the land tenure system, the land law of Tonga has made few really significant changes, and we have seen that some of these changes are not strictly recognised in social practice. The most important set of conditions (that which concern the relation of the landlord to his tenants), therefore, remain largely unaffected. The *tofia* holder still has, in practice, much authority with regard to the control and distribution of land; and the people's obligations to him in regard to social and economic service are still in force. But in addition, the chief now enjoys an extra income from the tax on land, and from the extra lands which he holds himself. In this way the land tenure system actually bolsters up the traditional political system by giving it powerful economic support. Moreover, through the provisions relating to inheritance, the system is brought into close relation with one of the most

31: Nayacakalou E-4,5 (1957-1958) 1959
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important features of Tongan society—viz., patrilineal descent. In these ways, the system plays a highly useful role in the preservation of the Tongan social form.

One may, of course, argue that after all the system is not really all that different from a full-blown communalistic one. For units of land (*tofia*) are still tied to groups of people (or the other way round if one wishes) in such a way that the restrictive features of a communalistic system still apply. But there is no need to press such an argument too far, for the system provides only that one's *api tukuhau* and *api kolo* must be together, not that they must be in the *tofia* of one's traditional chief.

Indeed this point embodies the most important principle in Tongan land tenure which may well be considered in relation to future land development in other Pacific territories: the system contains the seeds for the liberation of land resources from the social groups in which, in systems such as the Fijian and the Samoan, they are often locked up. Within the Tongan context this principle is hampered only by the operation of certain limiting conditions—both social and legal—which, however, are particular and need not be an absolute barrier. At a higher level of economic development, when economic relations may be expected to be less personal, the possibilities opened up by this feature of the system may be capable of fuller realisation. At present, however, such factors are probably more important in limiting the possibilities of the system than, say, the claim that a system of taxing land rather than individuals militates against the desire to acquire land, for which no confirmation came my way. This claim, however, remains a potential danger to the system, and may become a real problem if taxation were raised to a much higher level. In any case, while the system has distinct possibilities, its implications should be clearly recognised before claims are made for its propriety elsewhere.

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REPORT ON THE RESULTS OF THE 1966 CENSUS

Of the 20,766 Tongan males over fifteen, 17,686 or 85.17% were listed as being employed in some "industry". 13,219 or 74.74% of these were recorded as being self-employed in "agricultural production for household consumption and export". This represents a rise over ten years of 3,483 persons or 35.77% in this category, but unfortunately the category includes all those without regular or specific occupation, that is, no attempt was made in the 1966 census to differentiate self-employed from unemployed, nor those with title to land from those who have no title but are growing subsistence crops on someone else's land; it is difficult therefore to quantify pressures on land and the *'api* system.

* * *

The Tonga land tenure system is unique in Polynesia and is the result of laws enacted over a hundred years ago by the founder of modern Tonga, King George Tupou I. Every male Tongan is entitled, on reaching the age of sixteen years, to receive a grant of eight and a quarter acres as an *'api tukuhau* 'tax allotment', and a grant of up to one rood twenty-four perches in a village or town as an *'api kolo* 'town allotment'. No one may legally hold more than one tax and one village allotment, but if a person forgoes the latter he may obtain under the law, a bush lot of up to twelve and three-eighths acres, that is, one and a half times the usual size of an *'api tukuhau*. The annual tax on tax and village allotments together is eighty *seniti* (NZ80c); tenure is for life and is usually reallocated to the eldest son.[9] These laws have created a nation of small but secure tenant farmers alongside a landed aristocracy. The head of every family or household in Tonga, irrespective of his rank or wealth, has thus until very recently been assured of the means of production both of basic necessities such as food and household, and of cash crops both for purchasing clothing, tools, household goods, and for education. With shortage of land, and the strain traditional housing puts on coconut trees, housing is passing from subsistence to the monetary economy.

According to the Report of the Lands and Survey Department for 1966 (p. 2), the total number of tax allotment holders in December of that year was 12,517. The 1966 census records that only 8,305 or 41.57% of all Tongan males over sixteen said that they were holding tax allotments, whilst 11,553 or 57.84% reported that they held no land (p. 96). Some 116 men over sixteen did not state their position regarding land but even if they all had held tax allotments, 4,096 of the allotment-holders recorded in the Report of the Lands and Survey Department would remain unaccounted for. However, some of the Lands and Survey allotment-holders would undoubtedly be widows holding their husband's allotments as a life interest,[10] or the sole surviving daughters of the deceased land holder.[11] The number of widows recorded in the 1966 census was 1,552 but it is not stated how many of them were holding the lands of their

301 males), in services 539 (compared with 737 males), professional, technical and related workers 321 (compared with 412 males).

9. Tonga, 1948:405–459. "The Land Act". Annual poll tax, $T3.20, is paid by all adult Tongan males, whether landholders or not.
10. Tonga 1948:427–8.
11. Tonga 1948:428.

54: Cook G,T-5 (1777) 1967 OU9 Tonga OU9

the family sleep on the floor where ever they please to lay down, the unmarried Men and women each by themselves, or if the family is large they have small huts without to which they retire to sleep, so that privacy is as much observed here as one can expect. They have mats made on purpose to sleep upon, and the clothes that they wear in the day, serve them for covering in the night. Their whole furniture consists in a bowl or two in which they make the Cava, a few gourds, Cocoa nut shells, and some small wooden Stools which serve them for pillows and and perhaps a large Stool for the Master of the family.

Food and Cookery Their food and Cookery have been so often mentioned that it is almost needless to add any thing further, Yams and Vegetables makes the greatest part of their food, nay I beleive yams alone does, these they cultivate with much labour and have them in very great perfection. Fish is prefered to hogs[1] and poultry which are the only tame animals they have except dogs; nor is there any wild animals except rats and birds. Thier food is dressed generally by baking in the same manner as at Otahiete, and they have the art of making from different kinds of fruit several dishes which most of us esteemed very good. I never saw them make use of any kind of Sauce, nor drink any thing at their meals, but water or the juice of the coca-nut for the Cava is always drank in a morning. I cannot say they are cleanly either in their Cookery or eating, the generallity of them will lay their victuals upon the first leafe they meet with be it dirty or clean but the Chiefs have their victuals generally served up on green plantain leaves. When the King made [a] meal he was for the most part attended upon by three or four persons, one cut large pieces of the joint or fish, whatever it was, a another cut it into mouthfuls and others stood by with Cocoanuts and what else he might want.[2] I never saw a large company sit down to what we would call a sociable meal, that is to all eat from the same dish; the Victuals, be what it will is always divided in to portions,

wide, clean & cool, we had the Glimpse in many of the inclosures of pretty young women, which convinced us that their principal ladies were kept out of our sight, as they were very shy. . . . In the inside of the dwelling houses, are matts spread on the Ground; & a thick upright mat work 2 or 3 feet high which inclosed a Circular space for the Master & Mistress to sleep in, in the Night; & the principal women are fond of sitting within this kind of fender or skreen in the day time out of doors.'

[1] The point here rather is that hogs were forbidden to commoners. All the land and its products being regarded as the property of the Tu'i Tonga, he, and chiefs deriving their precedence from him, had priority over the mere *tua*. All pigs over a certain size were *tapu* except for chiefs: even their 'owners' could not consume them. The same rule applied to large fishes, which had to be handed over on pain of severe punishment.

[2] These persons were *matapule*, officials of near-chiefly status, though not chiefs, who were appointed for the purpose.

54: Cook G,T-5 (1777) 1967 OU9 Tonga OU9

333 412 237 of a sting-ray fited upon a piece of wood, served as a polisher; for small work they make use of Sharks teeth and Shells.

Tillage The Instruments for *Tillage*, in which they may be said to vie with Europeans, are nothing more than Pickets, or Stakes of different lengths according to the depth they have to dig, they are flaten'd and sharpened to a edge at one end and the largest have a short piece fastened transversely a little above it, for pressing it into the ground with the foot. With these, though they are not more than from two to four inches broad, they dig and plant ground of many acres in extent.

721 *War and Weapons* The art of War is not unknown to these people though perhaps they practise it as little as any nation upon earth; for except their occasional disputes with Fidge[e], before mentioned, they seem to have no Enimies round them. Their Weapons are clubs of defferent sorts, in the making, or rather Ornamenting of which they spend much time, Spears and darts; they have bows and arrows but they seemed to be designed only for amusement and not as a Military weapon.[1]

642 *Goverment* Of the nature of Goverment we know no more than the general out line, a subordination is established among them that resembles the feudal system; but of its subdivisions of the Constituent parts and in what manner connected to form one body politic I confess my self totally ignorant.[2] Some have told us that the power of the King is unlimited and that the life and property of the Subject is at his disposal; but the few circumstances that fell under our observation, made more against than for a dispotic Goverment though we saw instances of both, and some that clearly shewed that the lower order of people have no property but at the will of their masters.[3] On the other hand *Marriwaggy*, Old *Toobough* and *Feenough*, acted each like petty Sovereigns and frequently thwarted the meas-

[1] They shot pigeons with them, as an aristocratic diversion.

[2] Not without reason, considering the complicated nature of the Tongan power-structure. I do not annotate some of the sentences that follow, in which Cook repeats statements already annotated, however erroneous they may be.

[3] '. . . we saw instances, where present Passion seem'd to be their only guide, & where had they killd the Objects of their wrath they woud have been amenable neither to justice nor to a superior; but as the common people by no means appear dispirited or any way broken by harsh or cruel treatment, It seems pretty certain that the mildness & benevolence of their masters, insures them against an ill use of their Authority. . . . Upon the whole the Friendly Islanders have the appearance of enjoying most of the Advantages aris'ing from a regular Government, few even surpass them in the great order they observe on all Occasions, in their ready compliance with the Commands of their Superiors, & the great harmony which subsists amongst all ranks; & none in the general sweetness & mildness of their tempers. We see many things worthy of imitation, few of blame; wou'd to God they cou'd say the same of us, but we have left them an incurable disorder which will for ever embitter their quiet & happy lives, & make them curse the hour they ever saw us.'—King.

55: Anderson D,T-5 (1777) 1967 OU9 Tonga OU9

Most of the people had left their habitations to go where the ships lay, and our guide, to show perhaps that he deriv'd his authority from a person superior to any of them, often went into their huts, examind what was in them & made no scruple to take what he wanted or throw the things down without. He also often stopt people that were carrying things to barter & took dress'd yams or cocoa nuts to eat, nay at one time took some fish from a poor old woman who was going to dress them and was probably her subsistence for the day, but after carrying them a little way he gave them to a person that was following us.

The island is not above seven miles long and in some places not more than two or three broad. The east side, which is expos'd to the trade wind, has a reef running to a considerable breadth from it on which the sea breaks with great violence. It is a continuation of this reef that joins it to Foa, which is not above half a mile from it, and is partly dry at low water so that the natives can walk from one island to the other. The shore itself is either a coral rock six or seven feet high or a sandy beach, but higher than the west side, which in general is not more than three or four feet above the level of the sea. This side forms a bending or sort of bay with a fine sandy beach its whole length, defended by several shoals without, but as the entrance in is difficult from shoals perhaps the spot where the ships lay is more convenient. We found very few people in this excursion as most of them were at the Ships.

TUESDAY 20th. The wind Easterly. Gentle breezes with fine weather. In the forenoon the Captain to gratify the curiosity of the inhabitants orderd a party of marines on shore with some from the Discovery to show them the method of using our fire arms. They seem'd well pleas'd with the firing and various motions which were made, though our soldiers were by no means examples of the best discipline. In their turn they exhibited a dance and excersizd their clubs, in which it was acknowledg'd by all they far outdid our people in exactness and dexterity.

In the evening we entertaind them with fire works, which luckily happen'd to be in excellent order, at which they express'd much satisfaction and a good deal of astonishment; especially at some water rockets which were admirable and gave us who had never seen any as much pleasure as the Indians could possibly receive. They compar'd the sparkles which fell from the sky rockets to falling stars, and were surpriz'd at the height of the smoke that remaind after they were spent for they suppos'd it absolutely remaind and became a cloud.

When we had finish'd they treated us in their turn with several

55: Anderson D,T-5 (1777) 1967 OU9 Tonga OU9

641 even to a much greater degree than is practis'd by us on the most
621 interesting and serious occasions, and whatever may have been the subject of the speech we have never seen any instance of their shewing signs of displeasure or that seemd to dispute the commands it gave. Nay, such is the force of these verbal laws that I have seen an instance of a chief seeming astonish'd at a person acting contrary to such orders, though it appeard the poor man could not possibly have been informd in time to have observ'd them.

421 There is no where a more evident division of property and perhaps
565 few places where it is better secur'd; for it is plain from the method of furnishing a certain quota on particular occasions, which has been mentiond before, that the superior ranks are by no means entitled to what part they please of the property of those who have any. Whether they have a power to levy these contributions where they please is uncertain, but it would appear the quantitys are limited and that at one time is not very considerable. In countrys where the laws are not recorded customs that have been long establish'd are of equal force, and under the sanction of these the people of Tonga are probably as secure, at least with respect to property, as they would wish for: though the chiefs may punish accidental offences on those immediately depending on them with the severity already mentioned, we have no reason to believe that they can seize any other persons property rapaciously or break through the establish'd customs of the
[651 country with impunity. They have frequently posessions in other
101] islands from whence they draw tribute; at least we know it is so with respect to the King, who at certain establishd times orders that of the other isles to be brought to Tonga, which is not only the common place of his residence but seemingly of all the people of consequence amongst these isles, who in common conversation call it a land of chiefs while the others are distinguishd by the appellation of lands of servants or villains.

643 These chiefs, of whom we have heard of several popular ones
[55 besides those mentioned, are by the people styld not only Lords of the
716] earth but of the sun & sky, and the King assumes the name of Futtafaihe from a god of that name who is probably the patron of his family.[1] His peculiar earthly tittle is however simply Tooee Tonga, and though some of the more potent chiefs are perhaps little inferior to him in point of actual posessions, they fall very far short in rank and the particular marks of respect the collective body have agreed
[304 to pay him. It is a particular mark of his sovereignty that he is

[1] He was supposed to be descended from a god called Fatafehi—hence his peculiarly sacred nature or semi-divinity.

Land Tenure

423
421 The present system of land distribution reflects what has been called "overlapping stewardship" and is characteristic of many ethnographic Polynesian societies (Sahlins 1958: 6-8). In Tonga the crown owns all land; it is then divided into hereditary estates (tofi'a) held by nobles as primary tenants. The estates are divided into bush allotments ('api tukuhau) and town allotments ('api kolo) and commoners hold these as final tenants. Legally all male taxpayers enjoy the right to one allotment of each type, but in fact a large number of men have no registered allotments. The 1966 Census shows that 57.8 percent of the males over fifteen years of age were without land (Fiefia 1968: 30). The fact that there is insufficient land for all males to have an allotment of 8-1/4 acres will mean that as population increases the number
[426] of landless will increase. At present most peasants have access to land not through their legal rights but through sharing land with kinsmen or friends who have been able to obtain their allotments.

Tongan Society

161 Tonga's population in 1970 was estimated to be 87,406 (Tu'ipelehake
[162] 1970: 10). This population is relatively homogeneous with less than 1 percent of the population being of nationalities other than Tongan.
563 These non-Tongan components consist primarily of Europeans from throughout the British Commonwealth who are in the Kingdom as administrators and teachers, and a small population of Indians who are occupied in the commercial sector.

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
(1822-1875)
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Using their personal power the chiefs would seize anything that might arrest their fancy. Referring to this situation Vason recalled:

> They [the chiefs] exercise an arbitrary power over the lower orders, and have everything belonging to them in their power, which their sub-officers take from them, without ceremony, as the chief may need. Though the provision they have by them be ever so scanty, they are required to cook a part of it for the chief; so that they are frequently obliged to eat the root of the plantain-tree, for a wretched subsistence . . . . (Orange 1840:124)

More seriously, traditions were questioned, and the validity and effectiveness of the traditional religion were doubted by some. This was inevitable for usually a religion is required by people to explain how the universe works. The impact of the growing contact with Fiji, and with the Europeans—explorers, traders, whalers, beachcombers and L.M.S. missionaries—in particular, shook the foundations of the traditional cosmology. Many of the leading Tongans, therefore, were anxious to acquire a new cosmology to explain the new circumstances with which they were now confronted.

When the Tu'i Tonga ventured to advise Fīnau 'Ulukālala II on some matters of warfare, the latter replied, 'My Lord Tooitonga may return to his own part of the island, and content himself in peace and security; matters of war are my concern, and in which he has no right to interfere' (Martin 1827, II:126). He also terminated the traditional ceremony of *'inasi* at Ha'apai and Vava'u because he regarded it as useless and wasteful, and he thus deprived the Tu'i Tonga of the most important religious ceremony offered to him, as being representative of the deity Hikule'o. After Fīnau's death in 1809, it was revealed that he had planned to have the priest of the god Tupou Toutai strangled, because he had failed to secure the help of the gods in saving the life of his daughter who died from illness shortly before his own death (Martin 1827, I:307).

This was the situation into which the Wesleyan missionaries came. It was a period of political instability with several unsuccessful attempts to gain absolute power over the whole of Tonga, which were vigorously resisted, particularly on Tongatapu

79: Lātūkefu H,I, M-4,5 (1964-1965) 1974
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> I was not aware it was the part of the instructions of Consuls to investigate the antecedents of the missionaries. Before entering the ministry I was studying the profession of my choice; that of the law, and under one who afterwards proved himself to be amongst the first of the profession: hence I have perhaps as good an idea as some others. (L. and B. Baker, 1951:12)

When one examines the 1850 and 1862 Codes of Laws closely one finds that about 75 per cent of the main clauses of the 1862 Code were taken out of the 1850 Code with changes of wording and alterations in the arrangement of clauses. In the 1850 Code, for example, the law concerning land is found in Clause XXIX which reads:

> *The Law referring to the Soil*
> It shall not be lawful for any Chief or people in Tonga, Haabai, or Vava'u, to sell a portion of land to strangers (i.e. foreigners); it is forbidden; and any one who may break this law shall be severely punished.

Whereas in the 1862 Code it is found in the second clause and reads:

> *The Law concerning the Land*
> It shall in no wise be lawful for a chief or people in this Kingdom of Tonga to sell a piece of land to a foreign people—it is verily, verily forbidden for ever and ever; and should any one break this law he shall work as a convict all the days of his life until he die, and his progeny shall be expelled from the land.

The fact that a considerable proportion of the 1862 Code of Laws was a reproduction of the earlier 1850 Code shows that even if Baker's knowledge of the Tongan language was imperfect at the time and the story of his law studies a fabrication, he could still have managed to play the part he claimed to have played in drawing up the Code. Baker had nothing essentially new to contribute to the Code, for most of the provisions which appeared to be new were merely the results of the logical development in King George's own political thinking. Even the laws concerning the emancipation of the people, the credit for which Baker had claimed for himself, seem to stem from King George, who, as early as 1839, had legislated against the old custom of *hunuki*, that is, marking or

79: Lātūkefu H,I,M-4,5 (1964-1965) 1974
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tabooing for the chiefs things belonging to the commoners, particularly food crops. A section of the 1850 Code pertained to the taking of anything forcibly (1850 Code, XIII).

This provision certainly went much further than the first one in 1839, although other provisions in the Code still allowed the chiefs to order their people to work for them.

In order to make the necessary reforms, King George called a meeting of his chiefs in 1859, at Nuku'alofa, which was followed by one in 1860 in Ha'apai and another in Vava'u in 1861. The King found it very difficult to obtain the chief's agreement to the reforms which he himself wanted to make in the laws. The chiefs were unwilling to part with their remaining privileges. In the famous meeting at Pouono, the ceremonial ground at Neiafu, Vava'u, in 1861, many chiefs opposed the Emancipation Edict, complaining that the King had already deprived them of their power and consequently of much of their prestige, and now he was going to deprive them of the only remaining privilege upon which they were dependent for their living—the *fatongia* (enforced labour). 'What would happen to us?' asked Tungī, one of the leading chiefs, 'we cannot fish, we cannot till the land, we cannot do anything for our living. Why don't you just take the *ngia* and leave us the *fato*?' (informant, Siola'ā Soakai).[2]

The King, however, saw the answer to the chiefs' complaint in the rent which was to be paid to them by the land-holders for their tax allotments.

The 1862 Code with its forthright declaration of emancipation for all the people and their chiefs marked a culmination of the earlier developments when it enacted that:

> All chiefs and people are to all intents and purposes set at liberty from serfdom, and all vassalage, from the institution of this law; and it shall not be lawful for any chief or person, to seize, or take by force, or beg authoritatively, in Tonga fashion, any thing from any one. (Clause XXXIV:2)

It should now be apparent that Baker's part in this Code was limited to discussing it with the King and to committing these

[2] *Ngia* for *ngeia* meaning prestige derived from power; *fato* for *fatongia*, enforced labour. It is a play on words.

89: Wood M,Y-4,5 (1924-1937) 1975
OU9 Tonga OU9

designed to crush the Wesleyans. Perhaps the worst feature was the interpretation of "genuine inhabitants"; Wesleyans had to prove that their fathers and paternal grandfathers had lived in a village to establish their own *bona fides* as inhabitants there.

Meanwhile Moulton had abated the spate of circulars calling upon Wesleyans to stand firm in terms which the General Conference deputation considered embarrassing. He was, however, still indefatigable in visiting his beleaguered people in the villages. His presence and his pulpit powers had a heartening effect, but he was becoming more and more a handicap to his own cause. He maintained a stream of letters to the Premier calling his attention to frequent breaches of the laws by the courts, and other manifestly oppressive acts against the Wesleyans. His vigilance and his bitter protests met with no response from Baker, except an occasional reply that the law courts could be applied to; these courts were, very clearly, doing the reverse of serving the ends of impartiality and justice. Moulton's persistence proved an irritant and brought no relief. It would have been much better for his followers, and himself, if he had left the scene of wretched strife. His indiscreet young colleague, E. E. Crosby, also had damaged the Wesleyan cause in a preface he wrote to a published account of the persecutions:

> "King George is now considerably over 80 years of age, and his intellectual powers have been decaying for some time and he is completely under the sway of his Premier." (61)

It was only to be expected that Wesleyan Church properties no longer in use would revert to the Government. Where they were still maintained by a handful of worshippers these people were required by the usual laws to cut the grass and keep the property tidy. In Vava'u, where there were only six Wesleyans left in the whole island, it was a sheer impossibility to comply with the law; and prosecutions, with fines and imprisonment, followed. There seemed no escape for the luckless Wesleyans under these conditions.

In 1886 thirty-seven students from Tupou College were called to serve in the militia; none was called from the Government College. Each student called up was required to swear an oath of obedience, but neither the conditions of the oath nor the length of service were stated. Upon Tupou College recruits objecting to swear such an undefined oath they were court-martialled. In one case two lads were acquitted, whereupon the Premier sent a note ordering the magistrate to try the students again and to sentence them to two years' imprisonment. Evidence to this effect was given to Sir Charles Mitchell.

Baker's mind during the years 1885-6 was occupied not only with his campaign against the Wesleyans. He had political opposition, emanating chiefly from Tungi's party in the Mu'a district. Basil Thomson, then a young civil servant in Fiji, visited Mu'a in 1886 and noted that Baker was unpopular because he

> "treated the chiefs as negligible, like commoners. . . . I heard enough in Mu'a to convince me that the people, not the old Wesleyans only, were reaching the end of their tether and that an explosion of some kind, not against the king but against Baker, was imminent." (62)

Baker was concerned also about the state of the king's health and he was apprehensive about what might follow his death. The question of succession to the throne, now that 'Unga and Ngu had died, could divide the nation. Baker's own position could be imperilled. He felt that he must seek support for the coming crisis. He sought it from Germany.

/94 cont./

621 of their common life in the villages. In some respects the village
[189] community seems to be one large family. True, every household has
[592] its own separate dwelling in the village. But the household is by
621 no means isolated in the community. For example, if a villager of the
425 small islands needs any sort of object, be it a particular mat of a chicken or even a pig or a horse, he will ask a fellow-villager for it and will receive it without a direct service in return. This is the old system of "reciprocal insurance," for tomorrow the giver may be a
[576] suppliant. It is a rule of courtesy to grant the suppliant his wish, just as it is an unwritten law never to take unfair advantage of this
421 mutual aid. The concept of property and right of ownership is far
425 less developed than in Europe. Perhaps the chief's power of disposal
[565] over the property of commoners in ancient Tonga is one reason for this;
[178] another reason may be the common production (that is, with the coopera-
[476] tion of several villagers) of essential things such as houses, boats,
[177] tapa and mats. It is at any rate interesting that European influences
[436] were never capable of eradicating this ancient custom of natural material assistance, through the introduction of money. On the small
621 islands very few natives sell their products to their fellow-villagers,
432 and they are not exactly highly respected for doing so. On Tongatapu
554 and Vava'u the influx of money is, of course, greater, especially in
177 the seaports of Nuku'alofa and Neiafu. But even in these small cities
436 every inhabitant can at least go to every other for a meal if he does
632 not happen to have prepared one for himself.
[571]

186 In these towns, as on the small islands, the feeling of solidarity
621 unites the natives even beyond the divisive influence of the denomina-
795 tions. It often happens, for example, that Protestants and members of
794 other churches give money for the collections of the Catholic congregations and vice versa.

476 /95/ Even "reciprocal insurance" also applies to work assistance,

/116 cont./

642 given conditions, and is quite adequate to ensure all Tongans a quiet
177 and secure life, so the number of those who are discontent is small.

b) Distribution of Land

421 In old times, all land was the property of the Tu'i Tonga. He
423 granted it to the chiefs (or confirmed their inherited grant). The
643 /117/ chiefs in turn granted land to the matapule and the commoners
565 living under them. Within this system every land user was obliged
[651] to pay tribute to his "superior." It seems to have been customary
[428] that leased land remained indefinitely in the family of the one who received it, for every heir of a chief's title had the ownership of
421 his land confirmed. The sons of the matapule and the commoners, by
423 a corresponding system, usually remained on the land of their
565 fathers. However, the chiefs had the right at any time to disown the commoners living on their land or to relocate them. (321)

321. See E. W. Gifford, Tongan Society. p. 174.

There seems never to have been any community property.

423 This system of dividing up land and land ownership underwent
178 some changes. Through the decline of the Tu'i Tonga's power and
565 the civil-warlike confusion, some chiefs became quite high-handed.
[642] In the constitution of 1875 it was ultimately determined that all Tongan land belonged to the crown and could not be sold. Only leases approved by the cabinet were recognized. The people had a claim on land for building and settlement, whereas much land was still at the
423 disposal of powerful chiefs. On October 24, 1882, conditions were
178 regulated insofar as George I created the new class of nopele (nobles)
428 consisting of big chiefs and mighty matapule, and gave these nopele
565 hereditary lands (tofi'a). (322)
643

322. Thus George I confirmed the inherited ownership of a few big chiefs (see E. W. Gifford, Tongan Society. p. 172).